

Mark D. Winnubst
Latrice E. Andrews
Sheils Winnubst PC
1701 N. Collins Blvd., Suite 1100
Richardson, Texas 75080
Telephone: (972) 644-8181
Telecopier: (972) 644-8180
mark@sheilswinnubst.com
latrice@sheilswinnubst.com

Proposed Attorneys for Dallas-Fort Worth Domicile,
Allied Pilots Association

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THOMAS E. PEREZ, Secretary of Labor	§	
United States Department of Labor	§	
Plaintiff	§	
	§	
v.	§	
	§	Civil Action No. 4:14-CV-997-O
DALLAS-FORT WORTH DOMICILE,	§	
ALLIED PILOTS ASSOCIATION,	§	
and	§	
ALLIED PILOTS ASSOCIATION,	§	
NATIONAL HEADQUARTERS,	§	
DEFENDANTS	§	

DEFENDANT’S OPPOSED MOTION FOR SUBSTITUTION OF COUNSEL

TO THE HONORABLE REED C. O’CONNOR, UNITED STATES DISTRICT JUDGE:

NOW COMES, Defendant, DALLAS-FORT WORTH DOMICILE, ALLIED PILOTS ASSOCIATION, ("DFW APA") and moves this Court to allow the substitution of Mark D. Winnubst and Latrice E. Andrews of Sheils Winnubst PC in the place of Sanford R. Denison as attorneys for the above-named Defendant in this case (the “Motion”). In support of the Motion, DFW APA would show the Court the following:

1. On December 12, 2014, the Department of Labor filed suit against DFW APA as well as against Defendant, the ALLIED PILOTS ASSOCIATION, NATIONAL HEADQUARTERS (the “APA”) (collectively the “Defendants”) asserting violations of Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-484 (the “Act”).

2. Sanford R. Denison filed and answer on behalf of both Defendants and has acted as counsel for both Defendants in this cause. However, the interests of the separate Defendants have diverged inasmuch as DFW APA is not in agreement with the terms of the settlement reached in the Stipulation of Settlement and does not agree to the entry of the Consent Decree based upon such Stipulation of Settlement. Furthermore, DFW APA has raised its objections both to its counsel, Sanford R. Denison, and to the President of its co-Defendant, Captain Keith Wilson, all to no avail. Defendant, DFW APA, now desires Mark D. Winnubst and Latrice E. Andrews of Sheils Winnubst PC to represent it as retained counsel and to appear as counsel of record on its behalf. Attorney, Mark D. Winnubst, will assume the responsibilities of lead counsel.

3. The attorney of record for Defendants, Sanford R. Denison, has not expressed a position to this motion. The Assistant United States Attorney for the Department of Labor, Brian Stoltz, has not expressed a position to this Motion.

4. Defendant DFW APA is aware of the Court’s scheduling order. DFW APA and undersigned counsel state that this substitution of counsel will not unreasonably delay or impede any aspect of this case.

5. Mark D. Winnubst is licensed to practice law in the State of Texas and is admitted to practice and remains in good standing in the United States District Courts for the Northern, Eastern and Southern Districts of Texas.

6. Latrice E. Andrews is licensed to practice law in the State of Texas and is admitted to practice and remains in good standing in the United States District Courts for the Northern and Eastern Districts of Texas.

7. The pertinent information regarding DFW APA's new counsel is as follows:

Mark D. Winnubst
State Bar No. 21781200
Latrice E. Andrews
State Bar No. 24063984
SHEILS WINNUBST PC
1701 N. Collins Blvd., Suite 1100
Richardson, Texas 75080
Telephone: (972) 644-8181
Facsimile: (972) 644-8180
mark@sheilswinnubst.com
latrice@sheilswinnubst.com

WHEREFORE, PREMISES CONSIDERED, Defendant, DFW APA, prays that this Court permit the substitution of counsel as requested above in this cause, and for such other and further relief, at law or in equity, to which Defendant, DFW APA, may show itself justly entitled.

Respectfully submitted,

SHEILS WINNUBST
A Professional Corporation

By: /s/ Mark D. Winnubst
Mark D. Winnubst
State Bar No. 21781200
Latrice E. Andrews
State Bar No. 24063984

1100 Atrium II
1701 N. Collins Blvd.
Richardson, Texas 75080
Telephone: (972) 644-8181
Telecopier: (972) 644-8180
Mark@sheilswinnubst.com
Latrice@sheilswinnubst.com

PROPOSED ATTORNEYS FOR DEFENDANT,
DALLAS-FORT WORTH DOMICILE,
ALLIED PILOTS ASSOCIATION

Certificate of Conference

I hereby certify that I called counsel for Plaintiff, Brian W. Stoltz, on the 4th of November, 2015, regarding the relief sought herein. I further certify that I called counsel for Defendant APA, Sanford R. Denison, on the 4th of November, 2015, regarding the relief sought herein. I was unable to reach either counsel, but left a detailed message on their voicemail.

/s/ Mark D. Winnubst
Mark D. Winnubst

Certificate of Service

I hereby certify that a true and correct copy of the above-and-foregoing motion was served on this 4th day of November, 2015, via electronic service, upon counsel for Plaintiff, Brian W. Stoltz, Assistant United States Attorney, 1100 Commerce Street, Third Floor, Dallas, Texas 75242 and upon Sanford R. Denison, Baab & Denison, LLP, 6301 Gaston Avenue, Suite 550, Dallas, Texas 75214.

/s/ Mark D. Winnubst
Mark D. Winnubst